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### Remarks

Claims 1-8 and 23 are pending in the application.

Claims 1-8 are allowed.

Claim 23 is rejected under 35 U.S.C. 112, ¶1, as based on a disclosure which is not enabling.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutter et al., U.S. Patent No. 5,760,934 ("Sutter"), in view of Badr et al., U.S. Patent No. 6,567,194 ("Badr").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

### Rejection Under 35 U.S.C. 112

Claim 23 is rejected under 35 U.S.C. 112, ¶1, as based on a disclosure which is not enabling. In particular, the Examiner states that "[t]he switches is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure." This ground of rejection is respectfully traversed.

Applicants respectfully disagree that the switches are required in method claim 23 for enablement purpose. Even though a component may be used to implement a certain step, Applicants believe that there is no requirement that the component has to be recited in a method claim, as long as the essential step has been included.

In connection with claim 23, the use of various components, such as switches, to configure the system for normal or backup operation, is sufficiently disclosed, e.g., in the discussions relating to Figs. 4 and 15-17, among others. Since the specification contains sufficient disclosure to allow one skilled in the art to make or use the invention without undue experimentation, and the essential steps of performing the method are recited in claim 23, claim 23 is fully supported and enabled by the specification.

Applicants respectfully request that the rejection of claim 23 under 35 U.S.C. 112 be withdrawn.

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**Rejection Under 35 U.S.C. 103(a)**

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutter in view of Badr. This ground of rejection is respectfully traversed because Sutter and Badr, alone or in combination, fail to teach or suggest Applicants' invention as a whole.

For example, neither Sutter nor Badr suggests or teaches at least the feature of "wherein when the first carrier is not capable of transmitting first information over the fiber, the first information is modulated on the second carrier for transmission over the fiber," as recited in Applicants' claim 23 (emphasis added).

By way of clarification, the carrier in claim 23 refers to the carrier wavelength, and not the fiber itself (e.g., preamble of claim 23 recites, in part: "a first one of the carriers having a first wavelength" and "recovering and transmitting first information modulated on the first carrier").

Thus, in Applicants' method, when the first carrier is not capable of transmitting first information over a fiber, the information is modulated on a second carrier instead, i.e., at a second carrier wavelength, but over the same fiber that would have transmitted the information at the first carrier wavelength.

Both methods taught by Sutter and Badr are different from Applicants' because both teach switching traffic to a different fiber in their protection circuits.

For example, Sutter teaches, in Fig. 3 and col. 8, lines 4-13, that under normal working conditions of a ring network, traffic from node N1 to node N2 is transmitted on a normal circuit from transmitter EN of N1 to receiver RN of node N2 via fiber F1 (col. 8, lines 6-7). In case of a fault, traffic from N1 to N2 will be transmitted on the standby circuit, namely, from standby transmitter ES of N1 to standby receiver RS of N2 via fiber F2 (col. 8, lines 12-13).

Thus, unlike Applicants' invention, Sutter's protection scheme switches the traffic from a first fiber to a different fiber.

The cited portions of Badr, i.e., abstract and Fig. 1, also teach a protection scheme that switches traffic from one fiber to another fiber, e.g., optical signals OS1, OS3 and OS4 on a first fiber 14<sub>1</sub>, can be switched for transmission over a second fiber 14<sub>2</sub>, and signals OS2 and OS5 can be switched from the second fiber to the first fiber, as needed (e.g., col. 6, lines 5-10).

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Furthermore, Badr teaches that "the ability to optically reroute the optical signal from a working fiber to a protection fiber without having to loop back onto the first fiber provide increased flexibility in configuration of the optical system 10" (col. 6, lines 22-26). Thus, Applicants submit that Badr actually teaches away from using the same fiber for transmitting information during protection operation.

As such, neither Sutter nor Badr, alone or in combination, teaches or suggests at least the above feature of claim 23. Thus, claim 23 is allowable over the proposed combination of Sutter and Badr under 35 U.S.C. 103.

#### Allowed Claims

Applicants thank the Examiner for the allowance of claims 1-8.

#### Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

Respectfully,

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3/8/07

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